

# **Water Resource Protection Strategies for Implementation of CERP under Federal and State Law**

***Kenneth G. Ammon, P.E.***

***Director, Water Supply Department  
South Florida Ecosystem Restoration  
Working Group Meeting  
May 8, 2003***



# **Inter-agency and Public Involvement**

- **Water Reservations Evaluation Team**
- **Original White Paper - June 25, 2002;  
revised December 12, 2002**
- **March 2002 Governing Board Workshop**
- **Presentations to WRAC, Task Force and  
Working Group, regional and  
environmental interest groups over one  
year period**

# **List of Water Resource Protection Strategies**

- **Tool 1: Pre-CERP Baseline**
- **Tool 2: Existing Condition PIR  
Baseline**
- **Tool 3: PIR Tentatively Selected Plan**
- **Tool 4: CERP Reservations**
- **Tool 5: Initial Reservation**
- **Tool 6: Regional Water Availability**

# Purposes and Intent of Water Resource Protection Strategies

## December 2000 Pre-CERP Baseline

- Identification and quantification of existing legal sources & levels of service for flood protection
- Indicator of 12/2000 system performance

## Existing Condition PIR Baseline

- Identification and quantification of existing legal users, existing levels of flood protection, & existing water quality through time
- Indicator of the present system performance at the time of PIR initiation

## PIR Tentatively Selected Plan

- Protection of December 2000 existing legal sources, levels of service for flood protection existing as of 12/2000, and existing water quality
- Protection of existing legal users and levels flood protection through time

## Draft PIR

- Identification and quantification of additional water made available for the natural system
- Identification and quantification of additional water made available for other uses

## CERP Reservations

- Protection of additional water made available for the natural system

## CUP Allocations

- Allocation of additional water made available for consumptive uses

# **Tool 1: Pre-CERP Baseline**

## **(WRDA 2000 Requirement)**

- **Identifies Existing Legal Sources as of December 2000**
  - **“Savings Clause” - elimination or transfer of source, quantity, and quality**
- **Identifies levels of service for flood protection existing as of December 2000**
- **Applies to actions that implement CERP only**
- **Reflects systemwide conditions as 12/00**

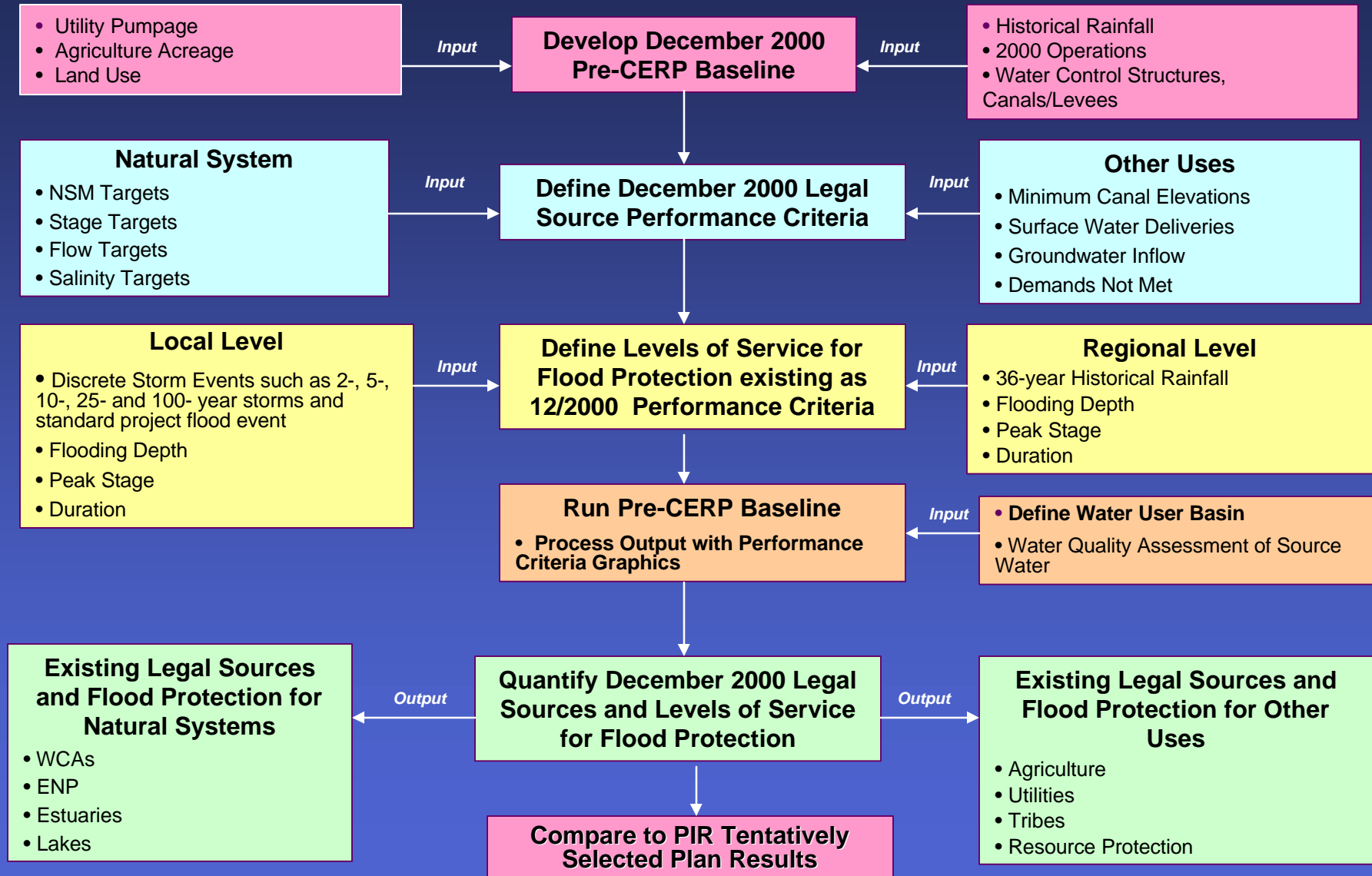
# **Proposed Existing Legal Source Definition**

**“Existing Legal Sources” are the sources of water available to a water user basin within the South Florida ecosystem from all locations (including seepage, surface water, and groundwater) used as a water supply, including the water necessary for protection of the source of supply, as of December 11, 2000, consistent with Federal and State law, for:**

# **Proposed Existing Legal Source Definition (cont.)**

- (1) an agricultural or urban water supply;**
- (2) allocation or entitlement to the Seminole Tribe of Florida under section 7 of the Seminole Indian Lands Claims Settlement Act of 1987 (25 U.S.C. 1772e);**
- (3) the Miccosukee Tribe of Indians of Florida;**
- (4) water supply for Everglades National Park; or**
- (5) water supply for fish and wildlife.**

# Identification and Quantification of Existing Legal Sources of Water and Levels of Service of Flood Protection Existing As of December 2000 Through the Development of the Pre-CERP Baseline





# **Tool 2: Existing Condition PIR Baseline**

## **(WRDA, Section 373.1501)**

- **Identifies existing legal users**
  - **CUPs issued at the time of PIR formulation**
- **Identifies existing levels of flood protection**
- **Reflects current condition at time of PIR formulation**
- **Reference point for determining planning objectives of CERP project design**
- **Changes through time**

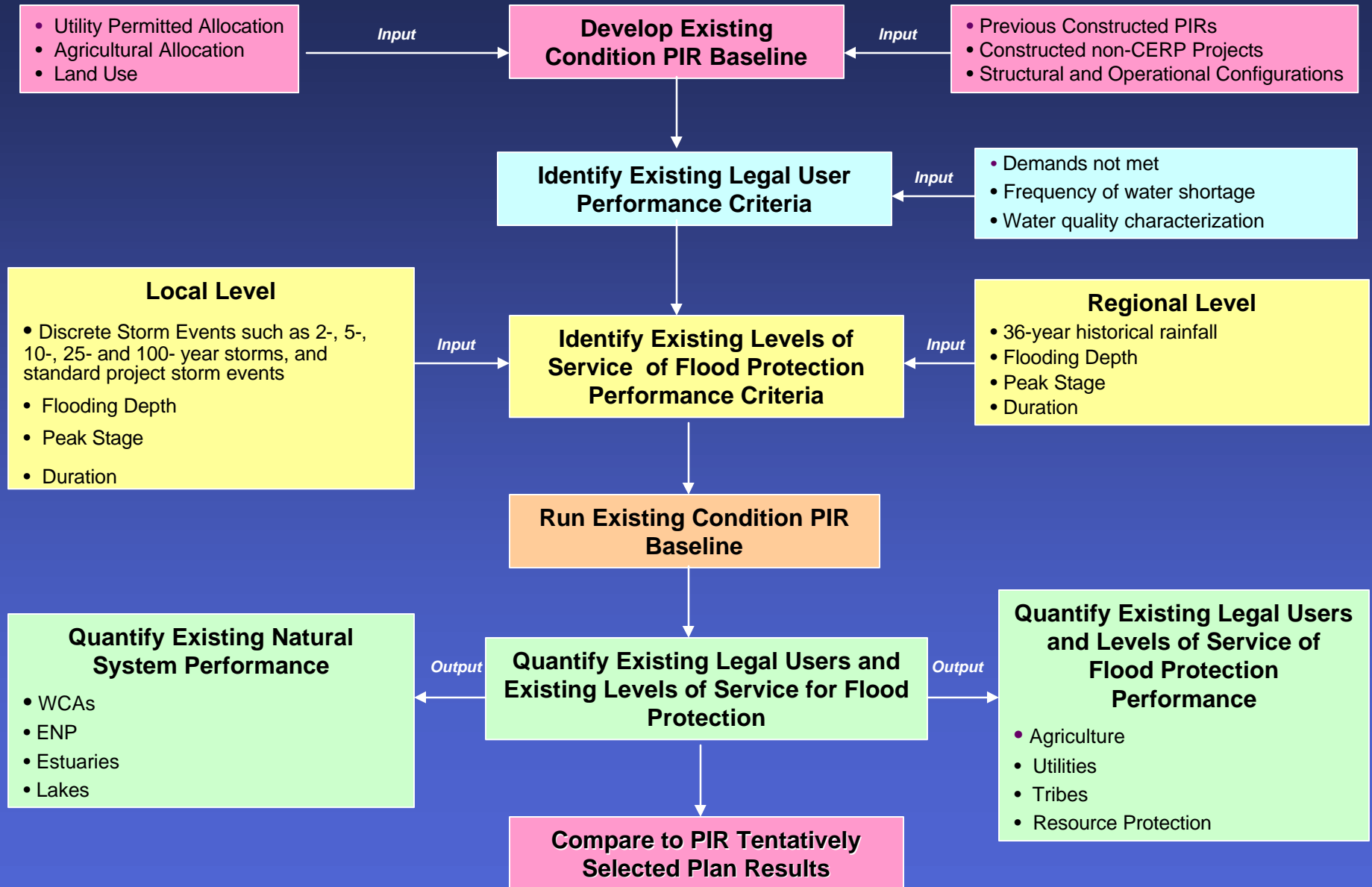
# **Tool 2: Existing Condition PIR Baseline**

## **(WRDA, Section 373.1501) (cont.)**

- **Will include:**

- **Constructed non-CERP projects with an approved water control plan at the time of formulation**
- **Previously constructed PIRs**
- **Other non-CERP structural or operational changes**

# Identification and Quantification of Existing Legal Users and Flood Protection Levels of Service Through Time by Development of Existing Condition PIR Baseline



# **Tool 3: PIR Tentatively Selected Plan**

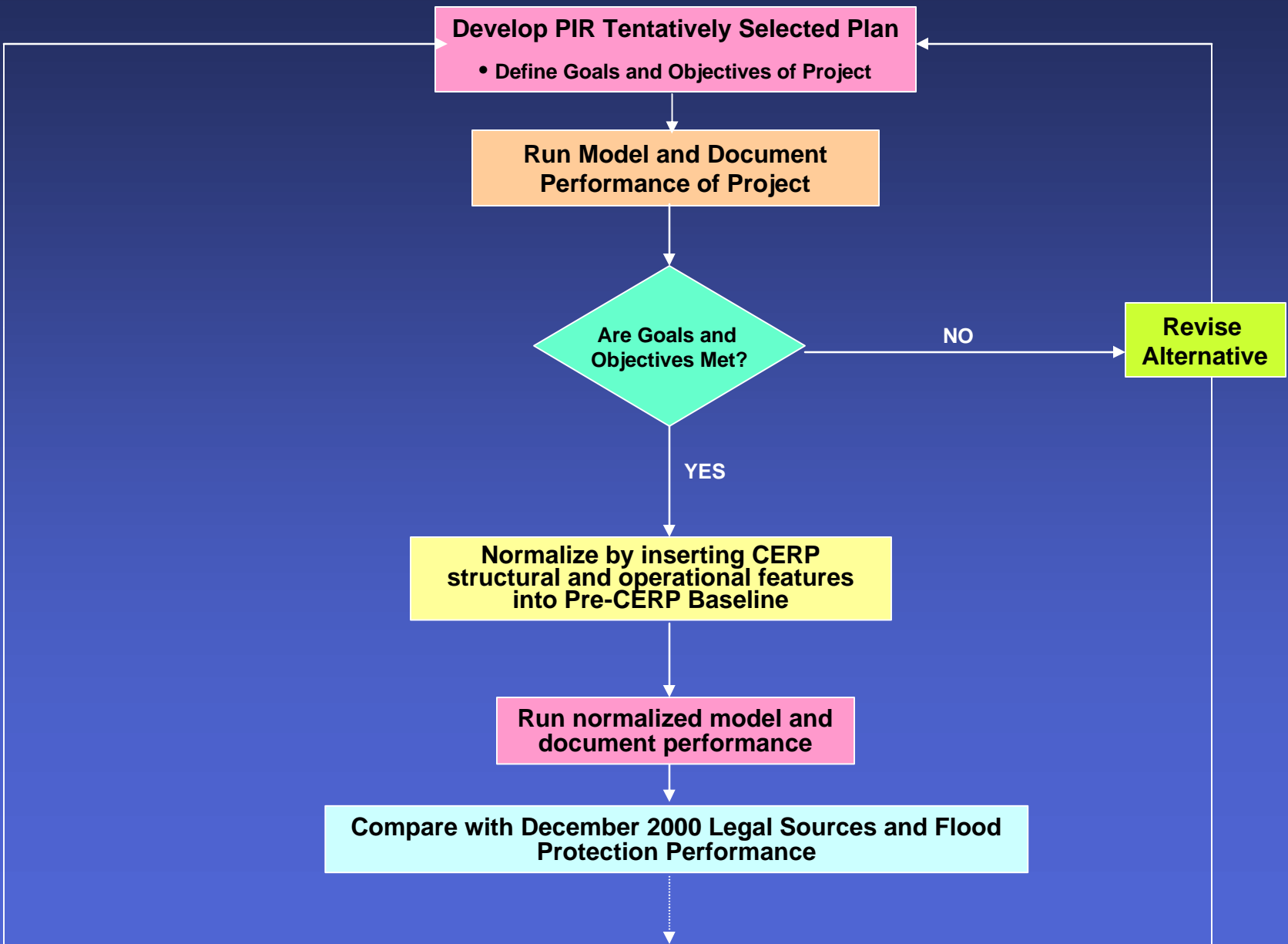
- A single alternative plan selected for recommendation
- Includes future land use, future demands, previously approved CERP and non-CERP projects, plus new project
- Protection of existing legal sources as of December 2000 and protection of levels of service for flood protection existing as of December 2000
  - Compare to Pre-CERP Baseline (Tool 1)

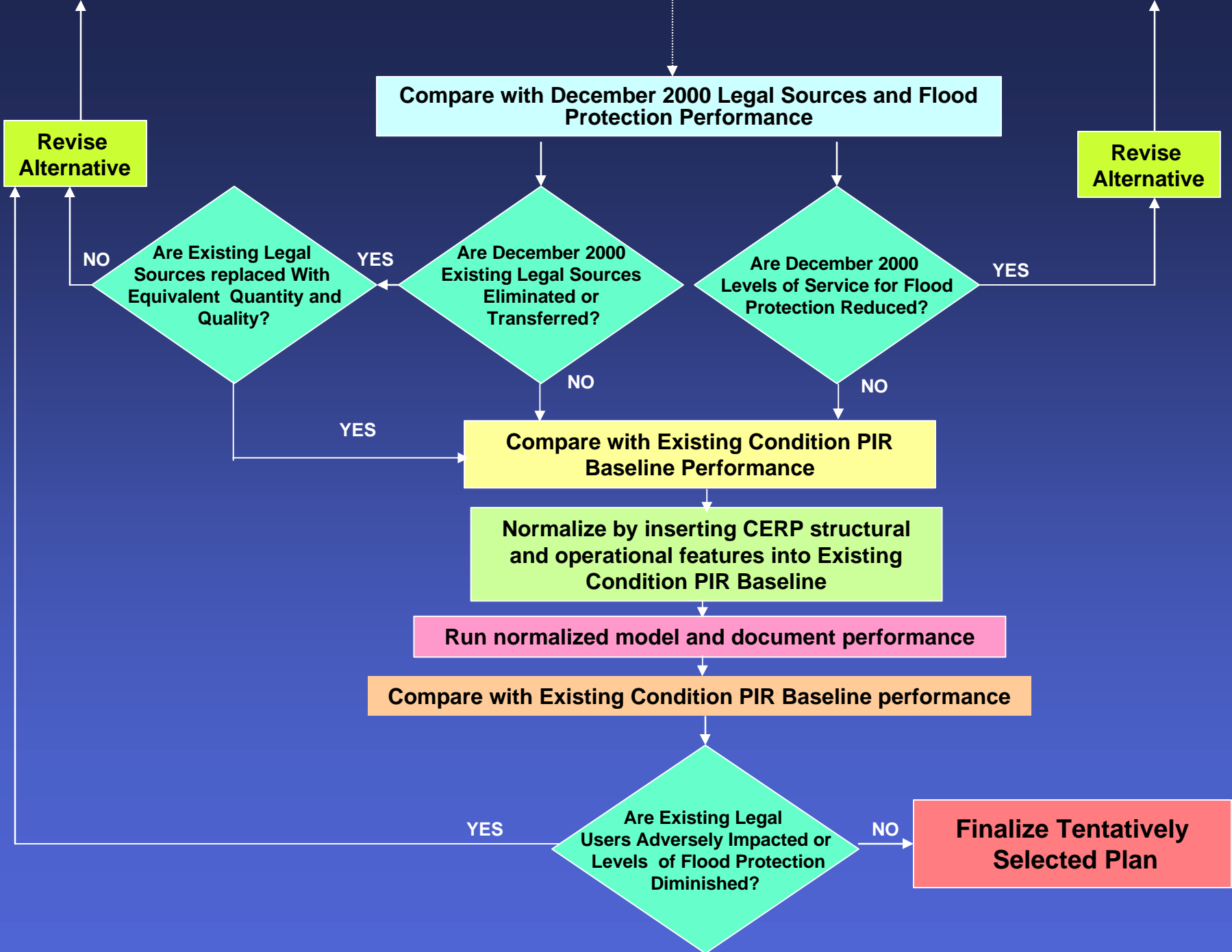
# **Tool 3: PIR Tentatively Selected Plan**

## **(cont.)**

- **Protection of existing legal users and protection of levels of service for flood protection**
  - **Compare to the Existing Condition PIR Baseline (Tool 2)**
- **Quantification of additional water made available**
  - **Natural System**
  - **Other Uses**

**Protection of Existing Legal Sources and Levels of Flood Protection as December 2000; and  
Protection of Existing Legal Users and Existing Levels of Service of Flood Protection  
Through Time by Development of the PIR Tentatively Selected Plan**





# **Tool 4: CERP Reservations**

## **(WRDA 2000, Section 373.1501)**

- Implemented under state law, Chapter 373.F.S.
- Water made available by CERP projects for the natural system
- Identified for each CERP project
- Add to initial reservation (Tool 5)
- Reserved from allocation by CUP
  - Prior to PCA



# **Tool 5: Initial Reservation**

**(2005)**

**(LECRWSP recommendation - not a WRDA requirement)**

- Reserved under state law, Chapter 373.F.S.
- Used for initial protection of fish and wildlife for current environmental conditions
- Protects existing beneficial water to the natural system from allocation
- Will protect CUPs issued at the time of reservation adoption consistent with state law
- CERP reservations will build upon initial reservations

# **Tool 5: Initial Reservation**

## **(2005) (cont.)**

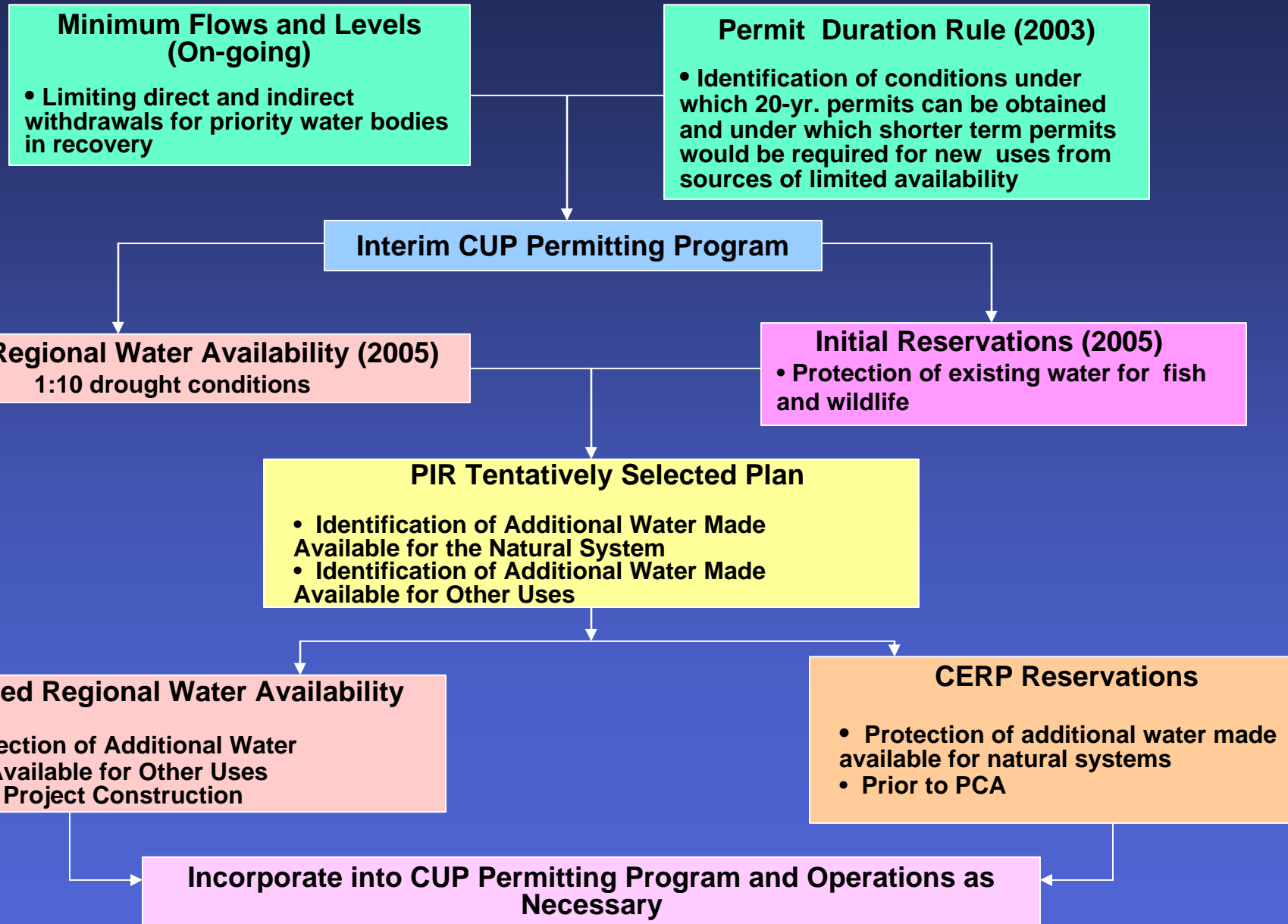
- **Proposed to be developed for:**
  - **Everglades National Park**
  - **Water Conservation Areas**
  - **Estuaries: St. Lucie, Caloosahatchee, Biscayne Bay, Florida Bay, Loxahatchee River**
  - **Big Cypress National Preserve**
  - **Lake Okeechobee**
  - **Holey Land Wildlife Management Area**
  - **Rotenberger Wildlife Management Area**

# **Tool 6: Regional Water Availability (2005)**

**(LECRWSP recommendation - not a WRDA requirement)**

- Identifies current regional water available for CUP allocation
- Consistent with initial reservations
- Amended through time based on changes in availability of regional water supplies for consumptive uses by CERP and Non-CERP projects
  - After projects are constructed and operated

# State Water Resource Protection Strategies



# **What's Next**

- Paper will be presented at the Governing Board Workshop on May 14, 2003 in West Palm Beach
- Acceptance of the paper by Governing Board resolution will be sought at the June 2003 Governing Board meeting in West Palm Beach
- Concepts presented in paper are expected to be further defined by the U.S. Army Corps of Engineers and the District CERP Guidance Memoranda





**Thank You  
Questions ?**

South Florida  
Water Management  
District Boundaries